

**Robbins Geller
Rudman & Dowd LLP**

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November 8, 2023

VIA ECF

The Honorable Yvonne Gonzalez Rogers
United States District Judge
United States District Court
Northern District of California
Oakland Courthouse
Courtroom 1, Fourth Floor
1301 Clay Street
Oakland, CA 94612

Re: *In re Social Media Adolescent Addiction/Personal Injury Products Liability Litig.*,
No. 4:22-md-03047-YGR (N.D. Cal.)

Dear Judge Gonzalez Rogers:

I respectfully seek appointment to a leadership position as Lead, Co-Lead, or Member of the Plaintiffs' Steering Committee in the matter of *In re Social Media Adolescent Addiction/Personal Injury Products Liability Litig.*, No. 4:22-md-03047-YGR (N.D. Cal.), in particular for the school district and municipality tracks of this MDL. Robbins Geller Rudman & Dowd LLP ("RGRD") is among the counsel representing Marin County Schools, Miami-Dade County Public Schools (the third largest school district in the country), Broward County Public Schools (sixth largest in the country); Bucks County and Commonwealth of Pennsylvania (one of, if not the first, municipality to file suit), and the State of Arkansas (one of the first states to file suit). RGRD represents numerous other local government and school district plaintiffs in California and nationally in the opioids multi-district litigation ("national opioids MDL"), the McKinsey multi-district litigation ("national McKinsey MDL"), and the vaping litigation ("national Juul MDL"), many of which are currently considering filing and/or preparing to file in this case.

Professional Experience with MDLs

I have been working on what has become the national opioids MDL since 2016, when a state first asked me to look into the issue due to the devastating societal and economic effects of the epidemic. I co-led the San Francisco bellwether litigation, remanded from the national opioids MDL to Judge Charles R. Breyer in the Northern District of California, and co-led the near-three-month trial before Judge Breyer, which commenced in April 2022 and culminated in numerous

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local and national settlements, as well as a devastating verdict against Walgreens. I have worked on the opioids litigation for the past seven years on behalf of plaintiffs in the national opioids MDL, to which RGRD, through my partner, Paul J. Geller, was appointed to the Plaintiffs' Executive Committee. With my team, I represent the following clients, as well as numerous other local and state governments and school districts across the country, that have filed federal cases against opioids, McKinsey, Juul, and/or social media defendants, including:

- City and County of San Francisco
- County of Marin
- County of Santa Cruz
- County of Sonoma
- County of Napa
- County of San Luis Obispo
- County of Tulare
- City of Los Angeles
- City of San Diego
- State of Arkansas
- Bucks County, PA
- Baltimore County, MD
- Montgomery County, MD
- Wayne County, MD
- City of Phoenix, AZ
- Marin County Superintendent of Schools
- Miami-Dade Public Schools
- Broward County Public Schools

Along with my team at RGRD, I have served in virtually every capacity of the national opioids MDL, *i.e.*, on the law and briefing, discovery, bellwether, manufacturer, expert, and trial committees. Mr. Geller was appointed to the national negotiating committee; and I have worked closely with him, often seven days a week, along with the RGRD team to support those efforts. I also served on the settlement rollout committee charged with helping to ensure adequate settlement participation among our nation's cities and counties. Representing numerous local governments and TPP bellwethers selected for dispositive briefing, we have successfully drafted many oppositions to dispositive motions, filed and argued many discovery motions, reviewed countless documents, and taken and defended scores of critical depositions in the national opioids MDL. I personally gave portions of opening statements and closing arguments in the San Francisco bellwether litigation and took the testimony of numerous witnesses at the trial, which resulted in a verdict against Walgreens. I was also appointed by Judge Breyer to the national McKinsey MDL Steering Committee, where, after having worked on briefing dispositive motions, discovery, and mediation, I am currently filing settlement final approval papers on behalf of the government entity track.

I have also been appointed to the Plaintiffs' Steering Committee in the national Juul MDL currently pending before the Honorable William H. Orrick in the Northern District of California. I served on the expert and trial committees and represent, among others, one of the trial bellwethers. We are currently working our way through the settlement process. My firm also served on the Volkswagen Clean Diesel Plaintiffs' Executive Committee and is co-lead counsel in the Epi-Pen

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MDL, in which a partial \$345 million settlement was announced, along with many other of the nation's largest MDLs.

Familiarity with Claims Before the Court

Besides living and working in the Bay Area, I am well versed in the claims before the Court as they raise issues similar to those raised in the national opioids, McKinsey, and Juul MDLs in which I have been immersed. As co-lead counsel for the San Francisco opioids bellwether, I am intimately familiar with applicable public nuisance and consumer fraud related rulings, some of which will have relevance to the claims asserted against defendants here. My team and I have a strong grasp of the applicable case law in different areas of the country, where we have opioids/Juul school district and municipal clients, including in Florida, Arizona, and Michigan, where we represent those states' largest municipalities or school districts, as well as in Ohio, Maryland, New Hampshire, and others. We also have extensive experience briefing dispositive motions in the opioids litigation for clients in several of these states. We therefore understand the distinctions in law from state to state that were addressed in the bellwether briefing, some of which will be relevant to dispositive briefing here. There are certainly efficiencies to be gained by drawing upon this vast experience in the opioids, McKinsey, and Juul litigation in the social media litigation leadership.

Present and Future Availability to Commit Time to This Litigation

My partners and I are fully and immediately committed to devote the time necessary to litigate this case to resolution, no matter how long it takes.

Resources Available to Prosecute This Litigation in a Timely Manner

In a case such as this, where plaintiffs face numerous powerful adversaries that have retained capable and well-funded counsel, plaintiffs should be represented by counsel with the resources to match the impressive collection of counsel on defendants' side. RGRD possesses such resources. Indeed, the firm is extremely well capitalized and has the largest and most robust human, technological, investigatory, and financial resources in the field. Proof of our resources and capabilities lies in our multi-decade track record of successfully prosecuting complex actions requiring tremendous financial resources. RGRD consistently advances litigation costs in matters of comparable or even greater size and complexity and has never engaged the services of litigation funders.

My firm has invested more than \$4 million in hard costs prosecuting the national opioids litigation. Our commitment to our clients' claims only intensified as the opioids epidemic continued to ravage communities across the country. Here, too, our commitment is steadfast, as the

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youth mental health crisis is intensifying in our own community and across the country. The firm's willingness and ability to commit the resources necessary to successfully prosecute complex actions like this are also evidenced by cases such as *Jaffe v. Household Int'l, Inc.*, No. 02 C 5893 (N.D. Ill. Mar. 10, 2008). RGRD prosecuted that complex securities fraud case in Chicago for 14 years, trying it to a jury in 2009, only to have the verdict and \$2.75 billion judgment reversed, in part, on appeal by the Seventh Circuit in 2015. The firm, however, did not give up. It sent over a dozen lawyers and support staff to Chicago for several weeks, spending substantial resources (in total, the firm laid out \$35 million in actual out-of-pocket expenses) to prepare and try the case a second time. It was not until the morning the second trial was to begin that a \$1.575 billion settlement was reached with the defendants – the largest recovery ever following a securities class action trial.¹ My firm and I are committed, without reservation or delay, to bring to bear RGRD's substantial resources, both human and financial, to ensure a timely and successful result here.

Any Other Considerations that May Qualify Counsel for a Leadership Position

RGRD has a reputation in both the plaintiffs' and defense bars that will provide the credibility required to successfully litigate against the top defense firms in the world. The firm and its lawyers have earned the highest ratings from legal ranking organizations, including Chambers USA, Benchmark Plaintiff, and The Legal 500. These ratings are based not only on submissions from their peers in the plaintiffs' bar but also on submissions from defense bar adversaries and their clients. While I understand the overarching need for efficiency in litigation, I also appreciate the value and benefit that collaboration with other qualified lawyers provides. RGRD attorneys are not only renowned as skilled class action litigators but also have reputations as collegial and respectful lawyers, always working professionally and respectfully with both the courts and opposing counsel. This Court can be assured that, notwithstanding zealous advocacy, my interaction with all counsel will occur in a context of mutual respect, courtesy, and professionalism.

I personally have been named an Elite Woman of the Plaintiffs' Bar, a Plaintiffs' Lawyers Trailblazer and a Litigation Trailblazer by *The National Law Journal*, a Leading Lawyer in America and Leading Plaintiff Financial Lawyer by *Lawdragon*, a California Trailblazer by *The Recorder*, and a Super Lawyer by *Super Lawyers Magazine*.

¹ RGRD also recently handled the largest-ever privacy class action, *In re Facebook Biometric Information Privacy Litig.*, No. 3:15-cv-03747-JD, which was litigated before the Honorable James Donato in the United States District Court for the Northern District of California.

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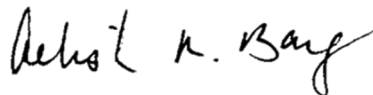
I have lived and practiced law in the San Francisco Bay Area for decades. I have two teenagers and have borne witness to the effects of Defendants' alleged misconduct on youth in the Bay Area. I am a partner in RGRD's San Francisco office. A good amount of RGRD's consumer team is also associated with the firm's San Francisco office, which, because of its close proximity to this Court, can lend an ease and efficiency to the leadership and any trial of this national litigation.

I have devoted my practice to representing aggrieved plaintiffs and classes and have a long, proven track record of success in resolving, through both settlement and trial, some of the nation's largest and most high profile class actions. *See* my resume and biography attached as Exhibit A. To be sure, my firm and I have achieved record-breaking settlements and trial verdicts. I wholeheartedly embrace this practice and am committed to do so in this litigation and, indeed, in all of our cases.

I am mindful, of course, that other experienced firms have been appointed and seek appointment to leadership positions in this MDL. RGRD has worked (and is currently working) cooperatively with virtually all of these firms and individuals in the opioids, McKinsey, and Juul litigation and in other matters. I have worked exceptionally well with many of the attorneys representing other plaintiffs in this MDL, and I strive to be a team player in every case I have the privilege of handling. The governmental entity cases, including those brought by school districts and municipality plaintiffs, are different from the personal injury cases, with distinct claims and discovery, expert, trial, and resolution needs, and they should have a dedicated team.

If appointed to a leadership position, I would welcome the opportunity to work with the personal injury leadership and other plaintiffs' counsel to maximize our collective resources and expertise and to ensure the effective and efficient prosecution of the asserted claims. I would be honored to serve the plaintiffs, the bar, and this Court in this important litigation, and I am grateful for this Court's consideration of my application.

Respectfully submitted,



AELISH M. BAIG

AMB:drd

cc: All counsel of record (via ECF)